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March 29, 1995 (Revision of February 27, 1995 comments)

Mr Bill Caton, Secretary
Federal Communications Commission
1919 "M" Street N W
Washington D C 20554

Re Comments on NPRM ET Docket 95-19 (FCC 95-46), Report No DC 95-28 (FCC 95-46)

With respect serious flaws exist in the above mentioned documents to require NVLAP **"accreditation" of EMI test laboratories:** " that laboratories performing measurements on these devices obtain accreditation by the National Institute of Standards and Technology under its National Voluntary Laboratory Accreditation Program.") The NVLAP "accreditation" proposal should be rejected Later in this letter I suggest an alternative acccreditation proposal to the NVLAP scheme Your consideration of the following comments is appreciated

1 The FCC should continue to be the regulatory and oversight body in the United States, including the upgrading of a lab accreditation program (as I later outline) The FCC should **not abdicate or delegate** its responsibilities to any organization, especially NVLAP Mandating the "voluntary" NVLAP scheme adds complexity, cost and bureaucracy No entity, especially NVLAP, is needed between the FCC, labs and manufacturers.
2 NVLAP is a duplication of existing FCC expertise and capabilities NVLAP has no experience.
3 The history of the NVLAP EMI lab "accreditation" scheme reflects years of failure with only 15% participation!
4 The NVLAP scheme will not lower EMI testing costs, as is claimed by some proponents. Nor will it "streamline certification and marketing of computers " NVLAP adds unnecessary bureaucracy and costs, which are a deterrent to domestic and international trade NVLAP costs to labs/manufacturers are exorbitant, as testified to by numerous former and present NVLAP labs
5 Of the 135 FCC registered lab sites only 21, representing only 13 companies, participate in the NVLAP program. And almost 40% of those are owned by two foreign companies' including TUV of Germany and Inchcape of England
6 The NVLAP scheme will reduce competition among U S laboratories by dramatically increasing costs and complexity, driving some out of business (The NVLAP scheme is promoted by a few domestic and foreign "special interests" who are aware that this will be the result)
7 Jobs and international trade are the issue Increased regulation jeopardizes both Europe is being stifled by its regulatory zeal, contributing to 10% unemployment in the European Union (Investor's Business Daily, 3-27-95)
8 The Europeans are not requiring NVLAP Europe does not recognize "accreditors" "Europe only needs to be satisfied that U S labs are competent " The FCC can and should accredit for **BOTH** the U S and world recognition
9 The NVLAP scheme increases complexity, bureaucracy, and raises the significant possibility of both technical and administrative conflicts between NVLAP and the FCC
10 NVLAP is presently "supported" by only 21 of the 135 FCC registered testing laboratories in the U S , as the limited NVLAP "membership" roster shows While the American Council of Independent Laboratories (ACIL) may support the program, its membership includes only a small handful of the 135 FCC registered labs
11 NVLAP "accreditation" should **not** be part of ET Docket 95-19 Self-certification of products, and laboratory accreditation are separate and distinct issues They should be addressed separately in FCC proposals

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I could go on. But just these facts weigh heavily against a NVLAP program. A strengthened program of EMI test laboratory regulation and oversight **by the FCC** is necessary and beneficial. While an FCC rule change may be necessary, it is a small price to pay for disallowing the added bureaucracy, complexity and costs of NVLAP. Following is an outline of an alternative to the NVLAP scheme, which accomplishes the same objectives <u>without</u> the unnecessary complexities and costs of NVLAP:

(1) Increase the frequency of ANSI C63.4 EMI test site registration with the FCC to perhaps one or two years, rather than the present three years. Adopt the same program for manufacturer lab sites.
(2) Increase information in this site registration requirement to include statements of adherence to procedures, documentation, etc. The guidelines already exist. Elements should include: (a) The CBEMA report format, which the FCC and the industry have embraced; (b) Utilize IEC/ISO Guides 25 and 38 for development of guidelines regarding "Technical Competence of Testing Laboratories" and "Acceptance of Testing Laboratories." (The lab would legally and professionally obligate itself to these Standards by signing Test Reports for clients, and periodic Certification of Compliance to the FCC. Failure to adhere to procedures, etc. would result in FCC restrictions on the lab and/or fines, similar to what the FCC Enforcement Division does with manufacturers. In addition, falsification of self-certification statements could potentially result in judicial enforcement and fines.);
(3) Reestablish the FCC's program to periodically inspect labs. The FCC has the experience and expertise. The same for antenna calibration. NOT inexperienced, expensive NVLAP;
(4) The FCC is the logical entity to become involved in the development, regulation and oversight of Immunity compliance. Again utilizing European IEC/ISO standards as guidelines;
(5) **Lab/manufacturer fees to the FCC would fund this program.** Fees for annual test site registration, grantee codes, annual fee for valid FCC i.d. or product line, staff and travel inspection costs, etc.;

PLUS

(6) Strengthen FCC enforcement (and fines) for noncompliance, **BOTH** labs and manufacturers. (The FCC's current enforcement program against manufacturers is woefully inadequate, as the vast majority of "compliant" manufacturers will agree. This lack of enforcement robs sales and revenue from legitimate, compliant U.S. manufacturers, distributors and dealers.)
(7) The transition period for any accreditation program, particularly one this extensive, should provide for at least four years to comply.
(8) This proposal does not affect other aspects of the proposals in ET Docket 95-19.

Thank you for your consideration. CERTITECH has been an FCC registered test laboratory since 1983. My comments and opinions in this NVLAP matter have been known to the FCC, the Department of Commerce and the "special interests" for approximately three years. I ask that you also accept the comments of others who may not be aware that 5 - 9 copies of their comments are required by the FCC. Your comments are welcome.

Sincerely,
CERTITECH Corporation

David C. Blocksom
President

cc: FCC Commissioners